

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI**

In re: ROBERT EARL DOVE

Case No.: 14-41070-drd-13

Debtor

MOTION TO DENY CONFIRMATION OF PLAN

Comes now Richard V. Fink, Chapter 13 Trustee, and requests the court deny confirmation of the debtor's proposed plan (document #2), filed on or about March 31, 2014, and in support thereof states that issues related to the proposed plan include:

1. Section 1325(b):

It appears the debtor is understating his income on Schedule I of \$3,085.33 monthly. Based on the evidence of employer payments, the debtor started a new job or new position about mid-February and is now making \$1,923.20 bi-weekly which projects to \$4,166.93 monthly.

2. Student Loans and/or In re Groves, 39 F.3d 212 (8th Circuit 1994):

The plan proposes to pay all of the debtor's student loans direct in paragraph 6 of the plan but also proposes the following in paragraph 13 or the Other Remarks or Provisions section of the plan.

"All private student loans (AES/NCT, Real Time Resolutions, and Suntrust Bank and Citizens Bank) student loans to be disputed. Federal Loans, i.e., Colorado Student Loan (Nelnet) and US Dept of Ed (servicer Great Lakes) are currently in IBR status with \$0 payment. Debtor expects the IBR payment to increase to \$260 upon his next IBR application so that's the amount Debtor is budgeting to pay on schedule J."

The trustee does not object to the above provision but is bringing it to the attention of the court pursuant to In re Espinosa 130 S.Ct. 1367 U.S. 2010. Please clarify the treatment that is being proposed in the Other Remarks section of the plan.

Wherefore, the Chapter 13 Trustee moves the Court for an Order Denying Confirmation of the proposed plan.

April 25, 2014

Respectfully submitted,

/s/ Richard V. Fink, Trustee
Richard V. Fink, Trustee
818 Grand Blvd., Suite 800
Kansas City, MO 64106-1901

NOTICE OF MOTION

Any response to the motion must be filed within twenty-one (21) days of the date of this notice (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006) with the Clerk of the United States Bankruptcy Court. Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. A copy of such response shall be served electronically by the Court on the Chapter 13 Trustee and all other parties to the case who have registered for electronic filing. Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, the Court will either rule the matter based on the pleadings, or set the matter for a hearing. If a hearing is to be held, notice of such hearing will be sent to all parties in interest. **If no response is filed within twenty-one (21) days (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006), the Court will enter an Order confirming the amended plan.** For information about electronic filing, go to <http://www.mow.uscourts.gov>. If you have any questions about this document, contact your attorney.

Court Address: U.S. Bankruptcy Court, 400 E. 9th St., Room 1510, Kansas City, MO 64106

NOTICE OF SERVICE

The following parties will be served either electronically or by United States First Class Mail and a certificate of service will be filed thereafter:

LAWSON LAW CENTER LLC (322065) - ATTORNEY FOR DEBTOR(S)

/s/ Richard V. Fink, Trustee

SMM /Motion - Deny Confirmation